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## PREVENTION OF INDUSTRIAL ACCIDENTS<sup>1</sup>

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BY HONORABLE CHARLES NAGEL,  
Secretary of Commerce and Labor, Washington, D. C.

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Ladies and Gentlemen: It is painfully distressing of course, to hear the announcement which has just been made.<sup>2</sup> I had not heard of the disaster until a few moments ago; and I cannot refrain from saying to you, that if no other word were uttered here this evening, the mere recital of that tragedy is in itself an all-convincing argument for the need of meetings of this kind, and for the carrying out of the purposes which you have in mind. Mere declamation counts for little. We are sufficiently conversant with the general facts. What we need is action. We know that the percentage of accidents in our country is unreasonable, and we know that it is time for private enterprise or public demand to correct this.

The great enemy of this country is waste. While everybody admits this, and we assert it glibly, we fail to appreciate that this waste exists not only in a material sense, but that the greatest waste consists of the loss and dissipation of human life and energy. We see it on all sides. Take any subject you please. Take the child. We must know what the waste in child life is. We make our investigations and we render our reports, and yet, what comes of it? The Federal Government inquires and sends broadcast the information; but there are forty-six state jurisdictions to deal with, and very few of them go into the subject. It is not only the child of the factory, it is the state of every child left unprotected by the parent. Our houses of refuge are intended to afford protection. But we are slow to recognize that it is in the interest of the state, as a mere proposition of economy, to get the child on the right side of the accounting, instead of letting it slip to the debit side. It is all a matter of book-keeping, it is all a question of economy or of waste.

What is true of the child is true of all human beings. We

<sup>1</sup> Introductory address of the presiding officer.

<sup>2</sup>In calling the meeting to order, Professor L. S. Rowe, the president of the Academy, said, "You have already heard, probably, of the unfortunate accident at Scranton to-day, when seventy-five miners were entombed in one of the mines in that region."

cannot deny that the list of accidents and the amount of waste are out of proportion. We need and we must have regulation and control of labor and the conditions under which men and women live. We must realize that there is a great field of activity in which the individual cannot protect himself; and just so soon as the individual cannot stand for himself in the protection of his position, it is time for the general public to step in for the general protection. Of course, I appreciate that the proprietor is remedying many things. I know that the situation in many respects is better than we ourselves suspect. I know there are proprietors who are constantly improving, who have abandoned the old system of litigation. I could point to a proprietor who, for fifteen years, has employed three thousand men without trying a lawsuit for damages, all without the aid of legislation. But there are other proprietors, and it takes the Government to establish the rules of the game in order that competition in this field may be as fair as it is in others. That is the reason for law.

I know that the State may go too far. I know that the tendency at the present time is to urge the State to go too far, but I also know that individual men who are in control have lagged too long, and have invited the storm that has come upon us. The two forces must meet and agree upon some rational basis. Something is bound to be done.

The Government in its contracts with employes has a comparatively easy question to solve. It has only to make its own conditions in its own contracts subject to acceptance by the employee. It can use a pension system if it will. When it comes to a private employer, in my judgment the question is very much more complicated. I doubt whether the State should make compulsory a pension system. I doubt the authority to do it; but I have no question that the State can establish a rule of action, a tribunal, a system under which the proprietor and the employee may express their own agreement. That much can be done and that much, in my judgment, will have to be done.

We all prefer to trust to the individual initiative and enterprise. I do. I prefer to be an individualist. But the more I have seen of life, the more have I come to recognize that there are those who fall out of the procession, who cannot stand up alone, and for whom the State must intercede to some extent. I believe in the progress of

private enterprise; I believe that a railroad, which has not for an entire year had a single accident, has done more for humanity and economy than can be accomplished by all the legislation to regulate rates. But the railroad system, that so manages its affairs as to be able to report not a single accident in a year, has to compete with the railroad system that does not do as well; and it is safe to say that the possibility of attaining this standard once recognized, we must insist that all systems shall come up to substantially the same standard. That is a proper purpose of legislation.

We are forced to consider the question of providing for superannuated employees; and we must deal with the question of fair protection to those who are still employed. The question is, how shall it be done, reasonably, rationally, or shall we wait until a storm overtakes us? We may just as well remember that the greatest force for unreasonable legislation is the failure of our citizens to appreciate the force of the demand for a better ethical standard in public and private life. That is the situation. You can see the demand grow from day to day. How was the first protest for the injured employee made? What was the form of response? Unreasonable verdicts by juries that were angry and did not respect rules of law. Every lawyer who has tried such cases knows that. What was the next protest? Legislation. Three-fold damages to emphasize public opinion. What is the same response? Rational preventive legislation; and this is what you have to consider now. What are the remedies and what is the relief; what is it fair for the State to do, and where must the State stop so as to provide fair protection and to permit of the development of the individual for his own welfare, and through him for the welfare of the community?